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AUG 03 2004

DIRECTOR OFFICE
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In re Application of
Modesto Garcia
Application No. 10/828,388
Filed: April 20, 2004
For: **THROWING DISC TOY**

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition under 37 C.F.R. §1.102 to make special filed April 20, 2004 which is considered as pursuant to MPEP §708.02 (IV), applicant's age.


A petition to make special under MPEP §708.02, IV, must show that petitioner is 65 years of age, or more. Acceptable evidence includes a birth certificate, copy of a driver's license, or simply a statement by the applicant. No fee is required.

The petition includes a statement executed by Mr. Garcia attesting to his age which is sufficient evidence in accordance with MPEP §708.02, IV.

Accordingly, the petition is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant.

The application is being forwarded to the examiner for expedited prosecution.


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